

Imperfect AN EXACT *6*
RELATION
OF THE
Proceedings & Transactions
OF THE LATE
PARLIAMENT:

Their Beginning and Ending.

With a brief account of their Expence
of the time of their Session, and the Acts that
were made by them, who were Dissolved
December 12. 1653.

As likewise of Foure great Votes,

- Viz. {
- 1 For Abolishing the Court of Chancery.
 - 2 For a New Modell of the Law.
 - 3 For taking away the power of Patrons to make Presentations.
 - 4 That innocent Negative Vote of not agreeing with the Report of the Committee for Tithes.

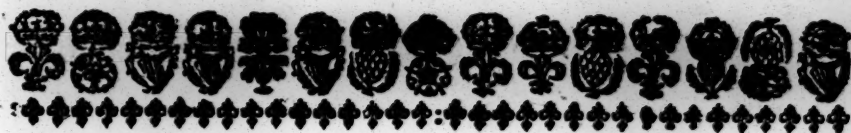
And an account of some Reasons of those Votes :
With a brief Apology in way of Vindication of those
Gentlemen that appeared for the Votes, from the great
OUT-CRY made against them.

By L. D. a Member of the late PARLIAMENT.

Matth. 5. 11. Blessed are ye when men Revile you, and Persecute you, and
Speak all manner of Evil of you falsely for my Names sake; rejoyce and be
exceeding glad; for great is your reward in Heaven.

LONDON: Printed for Livewell Chapman, at the Crowne
in Popes-head Alley. 1654.





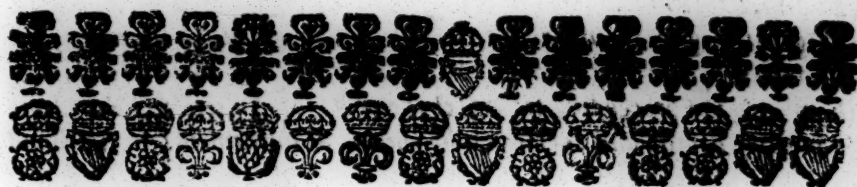
To the READER.

HAd not great Blasphemy reproach and
scorne been offered every where unto the
holy name of God, his truth, his wayes,
his servants, by evill men, to the great
grief of many fearing God, the follow-
ing Relation and Discourse had never
seene the light: the perticular persons
loaded with great reproach and scandall, could in regard of
themselves, have been contented to have borne all patiently
with silence, and left the clearing of their innocency to the
most righteous God. It is no new thing in the world for
good men to be reproached for well doing, and to have no o-
ther reward for endeavouring to do their Countrey service,
and labouring to take off their heavy oppressions and grie-
vances, then to be counted evill doers: what is generally
reported, is as easily beleaved and taken for truth, though it
be never so false, great lightnesse and vanity attending per-
sons as is too too evident. That one part of the House would
have destroyed all the Ministry, the good as well as the bad
(passes for currant) when as they were onely against that
old corrupt unequall, burthensome and debate-making way
of their Maintenance by Tithes: in which way beside other
things, many a good soule hath only 20 or 30 l. per ann.
to keep him and his alive; and others of less desert have 3
or 400 l. per ann. or more: They thinking some more e-
quall

To the Reader.

quall and lesse burthensome way might be found out and provided; and that their Wives and Children might have had allowance for their subsistence also when they were dead: Many also were against their standing on that old Popish foot of account as now they doe, as a part of the old Hierarchie, judging it reason that as Archbishops, and Bishops, Deans and Prebends, &c. were removed as Antichristian, so Parsons, Vicars, Curats, Rectors, Donatives, and Incumbents (strangers to the Gospel) should be taken away also, being of the same stamp: and that all faithfull Teachers and Preachers of the truth and Gospel, should by Law stand upon a more Gospel account, and their outward interest secured unto them accordingly: a short Bil being by them offered for that purpose, but refused; whether this amounteth to the destroying the godly Ministry, or whether they were their enemies, or rather their friends in it, they may please to consider. Reader, if thou thinkest that thou art come to Canaan the Land of rest, and that there is attained unto the full end aimed at and intended by Almighty God, in answer of all those mighty works and wonders (near unto Miracles) that he hath wrought in these Lands: If thou thinkest there is already the harvest of all that treasure spent, and blood spilt in the late wars, then rejoyce and be glad: but if thou judgest God intended greater and more high things then yet thou hast seen, in way of removing wickednesse and oppression, and advancing justice and righteousness, then beleeve, and wait, and pray; so adviseth he that is a well-wisher to the interest of the Lord Christ, the welfare of the Saints, and the prosperity of the Commonwealth of England.

L. D.



AN EXACT
RELATION
Of the
Proceedings & Transactions
OF
*The late Parliament : Their Beginning
and Ending.*

With a brief Account of the Expence of their
time while they sate, and the Acts that were
made by them, who were Dissolved the 12 of
December, 1653.



*He Parliament that sate so long, and had so
many Changes and Alterations, and yet
was preserved and continued : Was a Coun-
sell that God did highly Honour in making
of them Instruments of very great things,
many of them being very good things,
as to the Freedome and Profit of the people ;
Amongst which, the Change of the Go-
vernment from Kingly to that of a Common-wealth, may wor-
thily be mentioned, as not of the least, but of the greatest, both to
Religious Interest, and the Civill benefit of all good men,*

*But long sitting contracted dullnesse, and a kind of indisposition to
goe on any further to perfect the work which Divine Providence*

had carried them on in wonderfully: Many of them minding more the greatning of themselves, rather then the righting of the wronged, and relieving the oppressed people, and performing their promises to them; so not proceeding to perfect the work of Justice and Freedom so happily begun and carried on by them, as instruments in the hand of God. They became low in the hearts and esteem of good people; and Divine providence so ordering of it (without which nothing cometh to passe) they were Dissolved.

And upon an high account for Godlinesse, and the love of the truth and Cause of God, and the Interest of his people, others were called together out of the Countries and Cities respectively, who assembling at the place and time appointed, after a large Speech made unto them concerning the ground of Dissolving the former Councell, and calling of this, there was delivered unto them an instrument in Parchment under Seale, delivering the whole power of the Nation or Common-wealib into their hands, to take care of, and to Govern for their good. It is very observable that of all that were so chosen and summoned to appear for the end aforesaid, being one hundred and forty persons, there were but two that refused the Call and worke, so unanimous a Concurrence was there found as to the Service: Though they knew well their Call was not according to ancient formality, and the way of the Nation.

There seemed to be two Reasons wherein there was satisfaction.

First, That Divine providence had cast it on them, without their seeking in the least.

Secondly, The necessity, as the case of the Common-wealib stood, of having some to act and carry on affairs in way of Government, till there might be an Attainer to a better way of Settlement, by the choyce of the good people of this Nation, which was not to be denied to be their just right, and dearly purchased liberty.

It was great satisfaction and encouragement to some, that their Names had been presented as to that Service, by the Churches, and other Godly persons: And witball, because they were to undergo the trouble but one year, or little more: And so long they were willing to serve their Country freely, to their best abilities, looking for no reward.

The fourth of July 1653. Those thus Assembled and Impowered, did adjourn themselves from White-hall to the Parliament-

liament-House, to meet the next morning at Eight of the Clock, and then to begin with seeking God by Prayer: which accordingly they did, and the Service was performed by the Members amongst themselves, eight or ten speaking in Prayer to God; and some briefly from the word; much of the presence of Christ, and of his Spirit, appearing that day, to the great gladding of the hearts of many; some affirming they never enjoyed so much of the Spirit and presence of Christ in any of the meetings and exercises of Religion in all their lives, as they did that day. In the Evening of that day Mr. Francis Rouse was called to the Chair, and chosen Speaker: and then the House was adjourned to the next day: When the House appointed to pray againe three or foure dayes after; which accordingly was done by the Members; principally by such as had not done Service before; when also the Lord General was present, and it was a very comfortable day. But after the House had spent the first day in prayer, and were the next day met again, after prayer, which was daily performed by one Member or other as they were found free to perform it; They then proceeded to call over the House, read and laid up the Instrument of their Impowering, chose a Clerk, and after a Sergeant at Arms, and chose a Committee to consider what Officers and Attendants were necessary to be taken in; and to consider of the Fees and Salaries of such as should be employed; which accordingly was done and confirmed by the House: Charge being given to the Committee that care should be taken that none but such as feared God should be employed. About this time there was a great Debate what name they should give themselves to be called by, in as much as their call was looked on as extraordinary; divers Titles were proposed, but at last being put to the Vote it was carried, to call themselves by the name of *The Parliament of the Common-wealth of England*. The lownesse and innocency of the Title, having little of earthly glory or boasting in it, induced some to give their Vote for that; though others were much against it. The first thing that was done was a solemn Declaration to the good people of this Common-wealth, and to all the world of owning themselves a Parliament, and the

Supream Power of this Nation. Which was drawn up by a Committee, and then read and passed in the House; in which specious things are held forth, of the goodnesse of God to the people of these Nations, with intimation of what our inducements should be, for their good: stirring them up earnestly to prayer, and seeking of God, which seemed to be well relished by all good people.

Then there was a proceed to choose the Council of State, of the number of thirth one persons, which accordingly was done. The Powers and Instructions read and passed. It so fell out that the great Grievance of Tythes was taken on and debated three or four dayes, but with little success, for whereas all the House for the most part were sensible that it was a grievance fit to be removed. The difference was, some would not give way to the remove of it, till some other thing were provided to be set in the room of it: Others would have it removed as a grievance in the first place; and then to make provision as God should direct. In the Debate, difference was made betwixt Impropriators, and that which was otherwise; and all seemed free and willing that Impropriators should be satisfied the value: And therefore upon the choosing of a Committee for Tythes, onely that of Incumbants was to be considered of.

The House after much time spent as afore, waved it till a further time and better leisure: Then the House was methodized into several Committees, for the better dispatch of business, so as none might be idle, but all Employed in publick Service; beside the Council of State, six or seven Committees were chosen and set to work. *The Committee for the Army. The Committee for Prisons and Prisoners. The Committee for Regulating the Law. The Committee for Justices and for the Poor. The Committee for publick Debts. The Committee for the Scotch and Irish Affaires. The Committee for Petitions.* Which Committees sate daily, and took great pains morning & evening, almost every day in the week, to dispatch business, and make things ready for the House: and many things were fitted and prepared, of which hereafter.

Mr. Lilburn about thir time Petitioned the House, then his
Wife

Wife petitioned, after some of *Buckinghamshire*, and also *Hertfordshire*, likewise some in and about *London*: Lastly, some that called themselves Young men and Apprentices, who delivered a high and peremptory petition in his behalf; all which occasioned much debate and expence of time: The young mens Petition was voted scandalous, and they ordered to be taken into Custody, and accordingly six of them were committed, one in a few dayes being sick, the House discharged him; the five petitioning, having been in custody some days, and having been something stiffe, refusing to tell their Names, instead of being released, were ordered to be sent to *Bridewell*, there to be kept to hard labour, and accordingly they were sent, and kept there, and after some time they being some of them sick, and having petitioned twice, four of the five were by Order of the House released, the other remaineth prisoner to this day; the onely high piece of Justice the House did all the time of their sitting, and wherein there could not be much of honour, for it was but as the *Lyon* trampling on the *Monse*. This businesse of Mr. *Lilburne* receiving and answering the Petitions before mentioned, concerning himselfe and the Apprentices Petitions for their Liberty, spent very much time, and held many sharp Debates; some Members of the House earnestly moving to have had his Tryal suspended, and the A^ct called in Question by which he was Banished and made a Felon, that the merit of the Cause might be looked into; which they professed again and again they did not doe it so much in the favour of Mr. *Lilburne*, as in the right of themselves and their Posterities, and all *English* men, which they judged highly concerned therein. But other Gentlemen of note being very opposite, nothing came of the whole, but expence of time, and losse of the love and affections of many good people, whose petitions were denied; his Tryal going on, as some in the House had suggested, so it came to passe, he was by the Jury acquitted, to the loosing the love of some, and to the scorn and contempt by others.

By this time many matters were fitted and prepared by the Committees, who made their daily reports. The Council of State having the preheminence to be first heard, divers things were

were offered by them, some of which had been considered of by them in the intervall of Parliament; many things passed and were dispatched of what they reported, and which other Committees did likewise report, which spent not a little time. Businessse came on so fast from Committees, which did cause striving which should be first heard, and much time lost thereby. There were many particular things ordered and dispatched by the House, as *The relieving the sufferings of many by fires in severall parts of the Nation; some their Grievances redressed; some their Petitions and Desires granted; some had Obstructions in their Purchases removed by the House.* The businessse of providing moneys (all other things ever giving way to that) occasioned expence of much time, and great Debate of wayes and means to that end. The Fights at Sea coming to knowledge by Letters, the reading of them, the acknowledging Gods goodnesse, and praising of his holy name, the taking care to provide for the sick and maimed, the relieving the Widows of such whose Husbands were slain, the honouring with Rewards the Chieftains and Commanders, with the bestowing severall sums of money on the Widows and Children of such Captains as were slain in the Fight, in consideration of their losse of such Husbands and Fathers: all which were things just and honourable, but not done without expence of time. The dispatch of Ambassadors to forreign parts, as to *Turkie* and to *Sweden*, their Letters of Credence, and Commissions signed and sealed; the receipt of Letters from *Switzerland*, and other free States, the reading of them and returning Answers, may be reckoned into the expence of time. The Councel of State chosen a second time by the Box or Glasse where every one put in his paper of Names, and those that had most votes carried it, spent more then one whole day.

To omit very many things, toward the end of the House's sitting, the businessse of the *Excise* came on, where about three dayes were spent in passing the Rates particularly by Vote. *The Old and New Drapery, Hatts, Capps, and Tobacco pipes,* were by Vote exempted from the duty of Excise: The Bill following in order of the Rates, was very large of about eighty sheets of paper, spent one whole day in the hearing of it read; and there

there appeared so many snares and difficulties in it as to trade, as was judged no way fit to be put on a people that expected freedom as the price of their blood and treasure, by them spent in the late War: whereupon it was by general consent waved and laid aside. There were divers Bills prepared by severall Committees, some of which were read in the House, and others offered to have them read, but other business hindred, as, *A Bill for Constituting a Committee for Advance of Trade. A Bill for Work-houses, and providing for the Poor. Divers Bills for the Regulation of the Law, and making of it lesse chargeable to the people, and more expeditious.*

There were severall Acts passed by the House, in time of their sitting, the particulars here follow. *Viz.*

1 An Act for the Committee of the Army, and Treasurers of War.

2 An Act for constituting Commissioners for ordering and managing the Admiralty and Navy.

3 An Act for the settling the Court of Admiralty, much time spent in fixing on Judges.

4 An Act for taking away Fines on Original Writs, which was as some knowing Gentlemen of worth in the House affirmed, to the saving of the people of this Common-wealth, an hundred and twenty thousand pound *per annum*, only ten or twelve thousand pound thereof coming to the State.

5 An Act touching the severall receipts of the Revenue and Treasuries of the Common-wealth, and the bringing them in to one Treasury.

6 An Act for Marriages, and the Registring of them; as also Births and Burials; much time spent in the Debate about Marriages, there being many nicities and difficult cases relating to that subject.

7 An Act for the more speedy bringing in of the Arrears of the Excise, and settling Commissioners to that end.

8 An Act concerning the Planters of Tobacco in *Gloucestershire*, and elsewhere.

9 An Act to continue the Receipt of the Excise till the 29 of Decemb. last.

10 An Act additionall and Explanatory for the sale of the remaining

remaining Fee-farm-rents, and finishing the whole businesse.

Enrolled 11 An Act for sealing Ireland, and making it a part of the Common-wealth; and satisfying the Adventurers and Souldiers with Lands; which Act being very large and comprehensive, took many dayes Debate before it could be passed as a Law.

12 An Act for the relief of Creditors and poor Prisoners; the fruit of it hath shewed the worth of it, three hundred poor starving souls having been freed thereby, in and about London: a Law so just and honourable, as *England* hath few better, which passed not without serious Debate.

13 An Act for Accounts, and clearing publick Debts, and for the discovery of fraud and concealment of any thing due to the Common-wealth.

14 An Act empowering the Committee of the Army to state and determine the accounts of all Souldiers and others employed by them, for moneys by them received from the 26 of March, 1647. untill the 25 of July, 1653.

15 An Act for redresse of delays, and mischiefs, arising by Writs of error, and Writs of false judgment in several cases.

16 An Act for repealing of a branch of an Act of the late Parliament, Intituled, *An Act for Subscribing the Ingagement*; which was much to the ease and profit of the people, and to the losse of the Lawyers.

17 An Act for the regulating the making of *Stuffes* in the County of *Norwich* and *Norfolke*.

18 An Act for a High Court of Justice, cost indeed but one dayes time the reading, debate, and passing for a Law, by reason of the great hast some Gentlemen made, pretending great danger to themselves, and the Common-wealth, so as no reasons could prevaile to have it recommitted as some desired; or that the Acts for Treasons might be read, that the Commissioners were to proceed upon, as others moved to have them: nor yet that the Bill might be ingrossed, being to be a Law that concern'd life, for then it could not have past till the next day, when some that were perceived that day absent, being praying at the *Black Friars*, might be present, and hinder, as it is likely they feared, the passing of it; which had they done, they

they had saved much the credit of the Counsel, for as wise men it seemed a very weak piece, and experience hath (thanks be to God) shewn there was not that sudden danger as some Gentlemen suggested, that did not let to say (in answer to those that would have had it ingrossed against the next morning) *That they knew not but by that time they might have their Throats cut.*

19 An Act for Deofforistation, and improvement of the Forrests, and of the Honours, Mannors, Lands, and Tenements within the limits and perambulations of the same, heretofore belonging to the King, Queen, and Prince: a very large Act, and comprehensive in the particulars; wherein the old Farmers of the *Custom-house*, that lent the old King money to make War with the Scots, were admitted to have their old Debts made Publick Faith to double on, to the sum of two hundred seventy six thousand pounds, to the end to be sure to have money against the Spring: It was complied with, and some very eminent and wise Gentlemen made others believe there was no question but the money would be provided ready against the times, though other Members of lesse note, could the House what they thought, even as it is come to passe.

20 An Act confirming to the Purchasers of Sir *John Stowels* Lands, what they had purchased of the State.

21 An Act for an Assesment at the rate of one hundred and twenty thousand pound a Month, for six Moneths, from the twenty-fifth of *December*, One thousand six hundred fifty and three, to the twenty-fourth of *June* then next ensuing, for the maintenance of the Armies and Navy of this Commonwealth, being a very large Act, and that which took up many dayes in the debate and passing of it, there being a desire if possible it might have been to have abated something of that sum, and that it might be laid equally: Many Votes passed, and very sharp debates, by reason of the great inequality that was evident in the laying of the Tax, some Countreys bearing beyond their proportion, and some much lesse, which made the burthen more grievous then otherwise it would be: When after many dayes spent in the modelizing of the Bill, and it came to be passed, some Gentlemen gave their reasons why

they could not give their *Yea* to passe it for a Law, for the unrighteousnesse that was in it (and something else) which had been laid forth in the debate. The great unequality betwixt County and County, City and City, Hundred & Hundred, and so of particular Estates, some paying but two or three shillings the pound, and others foure or five, yea some ten or twelve shillings for their reall Estate, beside what they paid for their personall: In which some of *London* passionately complained of their being over-rated, they paying eight thousand pound a month, the fifteenth part of the whole Assessment of the Common-wealth: when as they with great confidence affirmed, that they were not the fortieth part of the Common-wealth in value, as their case now was. The A^t ingrossed, and the Question being put, the *No's* (as to the making it a Law that very day) had they been prosecuted to the pole, had hazzarded the passing of it; it having been earnestly pressed, that it might be amended at the Table, or recommit- ted to be amended against the next day.

A Gentleman that first moved to have the House give up that morning they were Dissolved, made this one of his Reasons why he could sit no longer with his fellows, because of their dealing so dis-engenuously with the Army, some other Gentlemen having spoken to the same account; but as to this those that gave their *No's* in the Vote against the then passing of the Bill upon the account before, can say they never were in Arms against the Parliament and Army, nor were ever in *Oxford* or any other Garrison that stood in opposition to them. And for their constant cordiall affection to them, they may safely say without boasting, they have been but a very little behind them that have been the highest and best affected in the Nation, what ever those Gentlemen please to say: To indeavour to have the Assessment equally laid and born, tended much to the Armies good rather then hurt, whereby they might continue to enjoy the love and affection of the people unto them.

22 An A^t for the continuing of the Priviledges and Jurisdiction of the County of *Lancaster*.

23 An A^{ct} touching Idiots and Lunaticks.

24 An A^{ct} for inabling Commissioners of Parliament for compounding with D E L I N Q U E N T S, to dispose of two parts of the Lands and Estates of Recu-
sants, for the benefit of the Common-wealth.

An A^{ct} that cost much time in the Debate of it, for that some Gentlemen fearing it amounted to the Toleration of Popery, did strongly oppose it, and caused it to be so modelized, as that it was never like to attain the end aimed at, as some then declared : Of which experience now can best declare and speak.

25 A second A^{ct} for the Constituting Commissioners for ordering and mannaging of the affairs of the Admiralty and Navy.

26 An A^{ct} for the better and more effectuell discovery of Theeves and High-way-men.

There was also a Bill brought in and Read and Debated for the Uniting of *Scotland* to the Common-wealth of *England*, as a part of it, with equall priviledges, which spent two or three days Debate in a grand Committee of the whole House, before it was ordered to be Ingrossed, being a thing of very great weight and concernment, being ingrossed it lay ready on the Table to be read and passed. But the *Highlanders* putting the Country into distemper, it was not put to be passed for a Law while the House continued.

By this time it will appear the House was not altogether idle, nor at a stand in their work, so as there was need to have them dissolved on that score. Indeed much more might have been done and proceeded in, if there had not been something that did let. The two great Grievances of the Law and Tythes, had such friends in the House; as that when either of those things came into Debate, the House was as divided into two parts; The one very indulgent, still pleading and making defence in their behalf; the other indeavouring the redresse of them. *Great Counsels agree not in all things presently*, yet is that no good Ground of their Dissolution; That the House was not idle, nor at a stand, nor in an incapacity,

citie, to doe the worke of the Nation. Though so divided as afore said, may beside what appeareth alreadie, be further taken knowledge of by these Insuing Votes which follow.

There were foure great Votes, that passed in the time of the sitting of the House, w^{ch} some Interests were much displeased at, and they passed not without great Debate.

First, A Vote for the Abolishing and taking away the Court of Chancery.

Secondly, A Vote for a new Body or Modell of the Law.

Thirdly, A Vote to take away the power of Patrons to make presentations.

Fourthly, That Innocent Negative Vote of not agreeing with the Report of the Committee for Tythes, Touching what they Reported, as the best way to eject scandalous prophane and ignorant Ministers, &c. Upon which followed presently the dissolution of the House.

A little of each of these, because of the great dust that is raised, to the blinding of some, and inraging of others, against them that sought not themselves, but the good of the Common-wealth in generall, and no private or particular Interests.

First, For the Chancery, It was looked on as a great grievance, one of the greatest in the Nation, so many horrible things were affirmed of it by Members of the House, as those that were or had a minde to be Advocates for it, had little to say on the behalfe of it, and so at the end of one dayes Debate, the question being put, it was voted downe.

For Delatories, Chargeablenesse, and a facultie of letting Bloud the people in the purse-veine, even to their utter perishing and undoing, as by what was spoken and affirmed at the Debate. That Court may compare (if not surpasse) any Court in the world; It was Confidently affirmed by knowing Gentlemen of worth; that there were depending in that Court, Twentie three thousand Causes; That some of them had been there depending five, some ten, some twentie, some thirtie yeares and more; That there had been
spent

spent in Causes many hundred, nay thousands of pounds, to the ruine, nay utter undoing of many families; That no Ship almost (to wit, Cause) that sayled in the Sea of the Law, but first or last putting into that Port, and if they made any considerable stay there, they suffered so much losse, as the Remedy was as bad as the Disease; That what was Ordered one day, was Contradicted the next, so as in some Causes there had been five hundred Orders, and farre more as some affirmed. That when the purses of the Clients began to be emptie, and their spirits a little cooled; then by a Reference to some Gentlemen in the Countrey, the Cause so long depending, at so great Charge, came to be ended, so as some did looke on it as it now is, as a Myserie of wickednesse, and a standing Cheat.

How sad a thing is it that after such Appearances of God in the Land, such a Court, in such a way of practise, should be continued, to greaten the Retayners to it, and practisers in it, by the ruine of others, easing the fatt and sweet of other mens labours and estates. It is to be hoped such wickednesse is not long lived; How did good people rejoyce when they heard of that Vote, and how sad and sorrowfull were the Lawyers and Clarkes, for the feare of the losse of their great *Diana* may be remembred: with their great joy and making Bonfires, and drinking Sacke when they were delivered from their feares by the dissolution of the late Parliament.

The Committee for the Regulating of the Law, in pursuance of the Vote, brought in a Bill for the Taking away the said Court: But for that there was not provision made for the future, and for the Causes then depending, altogether; It was opposed by those Gentlemen that had no mind it should be taken away; And so it came to be waved and layd aside, and the Committee ordered to bring in a Bill that might doe all.

The Members of that Committee, having many of them occasion to be absent in the Countrey, in fetching up and settling their Families before Winter. Nothing was done
till

till toward the Term, when a Bill was brought in and read in the House : that was looked on by many as the washing of the *Blackamore*, or pruning or lopping evill branches, where 3 or four in a little time will come in stead of one cut off. Upon Debate it came to the Question, and was carried in the Negative, and cast out.

Then shortly after another Bill was brought in and read, which to very many seemed to be a setting up of two Courts, rather then a casting down one, and an Establishing of the *Chancery*, rather then a Taking of it away : Some Gentlemen of great Note of the Long Robe, had a hand in it ; that it is likely will never spoyle their own Trade ; The Bill by very many, after a long and sharp Debate, was judged short of the End aimed at, and being put to the Question, it passed in the Negative, and was also cast out ; at which some of those Gentlemen aforesaid, were very much displeased.

The Term by this time was begun, and the people not eased as was hoped it would have been, at which those Members that carried the Vote for putting down that Corrupt Court, were sorely vexed and troubled, who took little delight to come through the Hall, and to see the Corrupt Trade going on ; some of them moved to have had the Court suspended for three weeks or a Month, till something might be done in it, but it was not consented unto, or thought fit, and so the Term and Trade of the Law went on, and the Committee went to work again : and by this time, some other Members of that Committee, that were not such great Zealots for the upholding of that Court, were come to Town, so as a Bill was modelized and prepared, which they of the Committee thought would answer the end, and be to the liking of the House ; in which was provided for the taking down the Court, and for the dispatch of the Causes depending, and providing for the future in a summary way, so as any ordinary Cause might be determined and ended for twenty or forty shillings, and in a very short time, and much strife and going to Law prevented.

But

But the House being full of businesse, there was no opportunity to tender it, and so they let it alone till a fitter time, and more leisure.

If a Copy of that intended Bill were Printed, it might be judged what their intentions were; for that after it was got in and twice read in the House in one day.

The second Vote which was for a New body of the Law, passed not without a large Debate; the Clerk in drawing up the Question, put the word *Body* in stead of *Model*, which some Members, for the passing of the Vote before and after, desired to have had altered: but others, lovers of the Law as now it is, opposed the alteration of the word, being very angry at the vote, and so it went as it was, with some seeming disadvantage, by means of the word *Body*, which some of those aforesaid being angry, would needs fancy, and accordingly reported, as if it were intended to destroy the Law, and take away the Laws we had been fighting for all this while as our birth-right and inheritance.

And such a noise was made about it, that made many believe that the House was modelized of Monsters, rather than men of reason and judgment.

There were very sober and moderate Gentlemen, in the account of all men, that concurred heartily in this vote, such as upon whom little blemish will stick.

The Reasons, or some of them that were alledged in the Debate producing this vote, was the intricacy, uncertainty, and incongruity in many things with the word of God, and right reason, in the Laws as now they are.

First, whereas the Laws ought to be easie, plain, and short, so as they that were to be subject to them, and have benefit by them, might be able to know and understand them in some good measure.

They are now so voluminous, and thereby intricate and uncertain, dark and concealed, as few are able to come to the knowledge of them. Those of the profession of the Law differing in very many cases, what the Law is, and being of severall opinions about this and the other thing: And then how should others, though highly concerned, be able to understand

derstand them ; and their Interest therein contained. There being so many Law-Bookes of great Bulke, so many old mustie Records, Reports, and Book-Cases ; As that after the time spent in School-learning, the rest of the Time of the flower of a mans yeares, would be little enough to reade them over, and peruse them.

And beside, those Records and Book-Cases are very ill Guides or Lights to goe by, for who knoweth the Circumstances that did attend them, which alters oft times the whole Case ; who knoweth whither in those Cases, bribery did not make the Judgement, or the powerfullnesse of some great man, or the love or hatred of the Judge, or the Negligence or Corruption of the Advocate. And besides, in those Law-Cases, some presidents are directly Contrary to others ; And an Advocate or Counsell alledgeth one Case or Report, and another another : and then the Judge followeth which he pleaseth : how Arbitrary is the Law in this Case ? and at what uncertainty are the great Interests and proprieties of men ?

Beside, how various are the Customs, which notwithstanding passeth for Law ? Usually unknown, but to some old men of the place, which though it be never so unrighteous and unreasonable, *Time out of minde*, carries it. How bulky and voluminous are the Statute Books ? and of so great a price as few are able to buy them, and so large that few can spare time to read them, to know their right, and how they are concerned in them ; and yet they must be judged, and stand or fall by them. And many times some old musty Statute of a hundred years old, and more imprinted, is found and made use of by some crafty Lawyer, to the undoing of an honest man that meant no hurt, nor knew any thing at all of the danger. Upon something held forth to this effect, the Vote was carried for a New body or model of the Law, and a Committee chosen to that end, who met often, and had the helpe of some Gentlemen of worth, that have deserved well of their Countrey, being true Patriots : who liked well the thing, as very usefull and desireable : It being not a destroying of the L A W, or putting it downe,

as some scandalously reported: But a reducing the whole, some, just, and good Laws into a Body, from them that are useles, and out of date; such as concerned the Bishops, and holy Church (so called) and were made in favour of Kings, and the lusts of great men, of which there are very many: the Law of God being eyed, and right Reason looked unto in all: there being some of the Laws that are contrary to both: as the putting men to death for Theft, The sparing the lives of men for Murther, under the notion and name of Manslaughter, a term, and distinction not found in the righteous Law of God: And that unreasonable Law, that if a Waggon or Cart, &c. driven by the owner, or some other, with never so great care, and endeavour, fall, and kill any person, the owner, though it were his own son or servant could no way help it, shall loose his Horse and Waggon by the prophane and superstitious name of Deodand; And the owners of the goods shall loose them also upon the same account, though they were as innocent as *Abel*: other instances might also be given.

The way the Committee took in order to their work, which must needs be elaborate; was by reducing the several Laws to their proper heads, to which they did belong: and so modelizing or imbodying of them, taking knowledge of the nature of them, and what the Law of God said in the case, and how agreeable to right reason they were; likewise how proportionable the punishment was to the offence or crime; and wherein there seemed any thing either deficient, or excessive, to offer a supply and remedie, in order to rectifying the whole: The Committee began with Criminals; Treason being the highest, they considered the kinds: what was meet to be adjudged treason, in a free Common-wealth; and what was meet to be the punishment of Grand and Pettie Treason: Then they proceeded to Murther, the kinds of it, and what was to be so adjudged, and the punishment thereof. The like they intended concerning Theft, and after to have ascertained and secured propertie; As also the executive part of the Law: so as a person should not need to loose, or part with one propertie, to secure and keep another, as now it is: Persons being forced to loose or part with the

property of their Cow, to keep the property of their Horse; and one peice or parcel of Land to preserve and keep another. Which Body of Law when modelized, was to be reported to the House to be considered of, and passed by them as they should see cause: A work great, and of high and great esteem with many, for the great fruit and benefit that would come by it: By which means the great volumes of Law would come to be reduced into the bigness of a pocket book, as it is proportionable in *New-England*, and elsewhere: A thing of so great worth and benefit as *England* is not yet worthy of, nor likely in a short time to be so blessed as to enjoy. And this being the true End and Endeavour of those Members that laboured in that Committee, it is submitted to every godly (and rationall) man in the Nation, whether (as is most falsely and wickedly reported, and charged upon persons acting in so much love to their Countrey) their endeavours tended to destroying the whole Laws, and pulling them up by the roots.

The third Vote was the taking away of patrons Presentations, which thing is one of the strong holds of Satan: At the passing of this Vote some Gentlemen were greatly offended; pretending it was a destroying, and taking away propriety: The Gentleman that moved first to have the House dissolved, made this one of his great Reasons why he could sit no longer with his fellows, being very conscious, like those that stumble at a straw, and yet leap over a block: Tith mint, and Commin, and neglect the great things of the Law: This Vote after a sharp Debate was carried in, in which very sober Gentlemen concurred, such as are not blemished, as Sectaries, or Levellers: Though they had of this kind of propriety themselves, some two or three a peece, that out of conscience for the better advance of the knowledg of the Gospel, and Interest of the Lord Christ, they were willing to part with their right herein.

The nature of this propriety may be a little minded, because of the great outcry that is every where made, Oh the Parliament men, many of them are such as would destroy all property: As if they had none themselves, when as though all of them had not very bulkie Estates, yet they had free
Estates.

Estates, and were not of broken Fortunes, or such as owed great summes of money, ten thousand pounds and more, and those to whom they were so in debt knew not how to get a penny of it, but stood in need of priviledg and protection, as formerly it hath been: The nature of this property looked into, and considered, will appear to be partly of an earthly, and partly of spiritual nature; These two mixed and twisted together, make up this right or property: of having power to present a Person to be Minister there. To have the earthly, or civil advantag'd Tithes, and offerings, and Gleab land if there be any; and to have the more religious, or spiritual right and Interest, the cure and care of souls, of all living within that circumference called a Parish, and to have the right to officiat to God, and man there; And is not this property worth the standing for? to be Lord Patron, so as he may open the doore to whom he pleaseth; And be sure he let in such a one as wil comply, & serve his Interest, and wink at his vicious courses, and not vex and disquiet his greatnes by telling him of his faults, as sometime *John Baptist* did *Herod*; or as those, which prophanely they call Puritans, and Sectarian Ministers use to do.

But seeing to sell this property, were no less then the sin of Simony, what worldly advantage can he make of it: thus, if the Church be full (so they blasphemously call it) Christ being the only fulnes of the Church: And not some ignorant prophane, and lasie Priest: That is a miserable fulness; with which some Churches (so called) are filled; In such a case of fulness the Lord Patron may sell the reversion for a considerable sum of money, to some one or other that hath sent his Son to *Oxford*, or *Cambridge*, to learn the Art of Logick, and Philosophie; By which Craft he may know how to get his living another day: And so the old Incumbent dying, this young Artist cometh to be presented one, to enter and take possession, and so to enjoy his portion his Father provided for him: The Gleab, the Tithes, and oblations, Together with the care, and cure of souls, and right of officiating to God, and man there, for this his Father bought, and purchased for him, and who shall take it from him. But if the Church be empty, that is, of a Priest; then all his proprietie amounteth

but to a shadow, unless it be sure to put in one that being be-
holding to him, shall be sure to serve him, and to forbear his
lusts; or else marry his Kinswoman, or his Wives Gentlewo-
man, or Chambermaid: in consideration of being presented
to be settled there: But can this work of darkness, and root of
Iniquity, abide the light, or look in the face, without blushing
the glorious light of the Gospel that now shineth in this our
horizon: Is not this property, a relick of the Merchandise of
the great Whore, *Revel: 18. 13.* that buyeth, and selleth a-
mongst other wares the souls of men. What a sad account
have the most of these proprietors, these presenters, and pre-
sented to make, for the many thousand souls, that have pe-
rished by their means.

But doth that Gentleman that made this one of his Rea-
sons as before, why he could sit no longer with his fellows to
do the work of the Common-wealth, think indeed, and is it
really his judgment, that a Parliament or Supream Authori-
ty, have nothing to do to meddle with propriety; so as it
should be so great an offence, to meddle with the ayrie pro-
perty of presentations: Sure upon consideration he and those
Gentlemen that were so offended, cannot but think other-
wise. That the Parliament may for a common good meddle
with, and take away propriety, of a higher nature then Pre-
sentations, and of higher, and more nigh concernment: espe-
cially when particular mens propriety is prejudicial to com-
mon good, so as the whole is profited by the loss of particu-
lar persons, he surely was one of them that gave his yea for
the passing of the Bill for the monethly Assessment, notwith-
standing it medled with propriety, even the fifth part of the
yearly Revenue, and Incomb of most men, and sure he cannot
but think they might do it in order to pass like good, with-
out any destroying propriety; Though many are as unwill-
ing to part with it, as those Gentlemen can be to part with
their propriety of Presentations.

Was it a destroying propriety in his judgment, for the
former Parliament to take into their hands, and to sel away
the Lands of Bishops, Deans, and Chapters, which they en-
joyed as their proprieties, with many rights and priviledges
not inferior to Presentations; which some of them had ne-

Was the taking the fifth and twentieth part of Persons Estates for the good of the whole, a destroying propriety, indeed some said so then, but we know what they were accounted for so saying, no less then Malignants.

Surely those Gentlemen will not so say of the Instrument or model of new Government, or those that made it, as they do of those that passed that Vote; Notwithstanding it take two hundred thousand pound *per annum*, for the carrying of it on.

The former Parliament they did not reckon that they went beyond their Power, nor that they overthrew propriety, when they passed the Act for the draining of the Fens; giving away very much of the Lands, (the chiefest propriety) of the owner to the undertakers in order to Publick good.

The fourth Vote, whereupon followed the Dissolution of the Parliament, was that harmless Negative of not Complying with the Report of the Committee; Touching what they offered as the best way to eject ignorant, prophane, and scandalous Ministers; and encouraging them that are good, &c. of which two things, and so an end of this discourse; first of the proceed to it, and in the Debate of it; And then that which followed after it til the House was Dissolved: The proceed was shortly thus: After the aforesaid Vote had passed, and some of the Gentlemen of the House were in readiness to offer the Bill; The Committee for Tithes to counter-work, and keep that off as some thought, did on Monday morning offer this Report, and many were for the taking of it on; others were against the meddling with it at that time, some moving to have the Bill taken in concerning Presentations, some to fall on things of more present concernment, as the Bill for uniting *Scotland to England* Reasons were offered on every side, and after one of the clock the House rose, and nothing fastned on: The next morning those that were for the Report to be taken in the day before, moved again, and the other not opposing, it was taken in, but not without being put to the Vote whether the House would take it in, which was carried in the Affirmative, and so the Debate began, and continued day after day, til after one of the clock each day. The Speaker being aged, and not able to sit longer: The De-

bate was managed day by day with very great seriousness, many Arguments and Scriptures being alledged.

The House being evenly poysed, and great attendance being given by the Members, waiting the time of the Vote; and though any Member might by the Rules of the House have spoken every day so long as the Debate continued, yet such was the modestie shewed, that hardly any on all the five dayes spake twice; very little of heat or passion being shewed all that time, onely one Gentleman or two that were for the Report, seeing themselves and their partie so ingaged, flue out a little, complaining of the expence of Time, to have given a check to the going on of the Debate: But the Orders of the House being called for, by some of the other side to the Speaker, he declared it to be the right of every one to be heard, and that the question could not be put so long as any would speak to it; withall these Gentlemen were told of their restlessness to take on the Debate, and how now they wanted patience to wait the Issue of it: after three or four days a Member that was against the Report offered an Expedient, but was not accepted: At last on *Saturday* toward noon the question grew neer as did also the end of the Parliament, some Members that were against the Report having not spoken, and assaying to speak, were perswaded to forbear, who onely gathered the Issue and result of the whole and left it to the House, which was whether upon the whole this in the report was the best expedient for that end; which some on the other side that were for the Report perceiving the stress of the question put there, moved that the word *best* might be put out; but it was not admitted, having been in the Report all the time of the Debate: so about one of the clock the Vote passed, and upon dividing the House was carried in the Negative: A Debate of that nature and length in so great a Councell, hardly ever passed with such soberness and little heat or passion: The business was in *statu quo*, as to any ones being either better or worse, the report was laid aside, for that the first part of it whereon the other part depended was rejected; to wit, that the best way to eject ignorant, prophane, and scandalous Ministers, and to encourage them that are good, was

by sending certain Commissioners impowered to do it: as at full hath been put forth in Print already: There was at the passing this Vote 115 Members, whereof 54 were for the affirmative, and 56 for the negative; and two Gentlemen tellers for each side, and the Speaker, which make up that number.

To go about to tell of the Arguments insisted on, from the Scriptures, and from Experience, and other Reasons of a prudentiaall consideration, would be too tedious; that this Vote that hurt no body should occasion such wonderfull displeasure, and out-cry every where is at least wonderfull: If men were asked (as *Micah* was) what aileth them? they would hardly be able to tell, so well as he did: is it not much, when as godly sober men in discharge of their duty and trust, for the glory of God, and good of their countrey, should leave their habitations, relations and enjoyments, spend their time and means to serve their Countrey, and be so rewarded with scandalous and false reports, and to have judgment of high condemnation passed on them upon hearsay, without the least shew of proof? Is it not much that men of learning, Leaders, and Teachers of others, that would be esteemed godly Orthodox Divines, Ministers of Christ, and Preachers of his Gospel, should be of such a spirit and strain so unlike Christ and the Gospel, as to utter such speeches in Pulpits, and elsewhere? that they meaning those that complied not in the aforementioned Vote, & voted in the other, were the arrantest Rogues and Villains that ever the earth bare: That their design was worse then the Gunpowder treason: That they would have destroyed the Magistracy and the Ministry, the Law & the Gospel, &c. That it were wel if one of ten of them were hanged up, and then there would be happy days: might not inquiry be made, what is the matter of this their so great rage and displeasure; who hath done them wrong? no question, but they would say: Oh they would have destroyed al the Ministers, good as wel as bad, and overthrown the Gospel; for so they frequently say: heinous crimes indeed: but how doth it appear? only thus: they were against those grievances of the Law, and Tithes, and would have had those taken away; and they would not concur with the Report of the Committee in order to the settling of Tithes, that being in the bottome of the

the

the Report; so as by these mens Logick and conclusion, those two grievances of the Law and Tithes, (which these so reproched laboured to have taken away) are the Magistracy and Ministry; the corrupt Law, or corruption of the Law, are the Magistracy; and Tithes they are the Ministry: yea more, the Gospel also; but alas, Magistracy can stand without such horrible corruptions of Law, and the Ministry without Tithes, as it is in other Countries where there is neither of them. But the belly hath no ears, and therefore no more shall be sayd.

The afore-mentioned Vote passing as it did, those Gentlemen that missed of their expectations, and were crossed of having their wils, greatly fearing, as it seemeth, it would go ill with those corrupt interests of the Lawyers & Clergy, which they indeavoured to support: they took the Pet and were exceeding wroth divers of them, and that afternoon and the next day (being the Lords day, a day fitter for better employment) they took Counsel with and among themselves, holding Cabals, and there consulting the overthrow and dissolution of the House, which was as they had declared to all the world the supream Authority or Magistracy, the Parliament of the Common-wealth of *England*: is it not much that Gentlemen pretending so high to wisdom & godlines, for missing and having their wils in a Vote carried in the Negative, should be induced thereby presently to take on such desperate Counsels and resolves, and to draw others into them ignorantly, forgetting as it seemeth what they had solemnly declared before God, and all the world; to wit, that the House was the the Supream Authority of the Common-wealth of *England*, which Common-wealth God had highly honored, and made famous throughout the world; forgetting also their severity against malapart words given in a Petition, because it was the supream Authority: What might such Counsels, Resolves, and Actings merit by their own Law? had they no charity in them towards their fellows, because crossed in that poor Vote? had they lost, or laid aside the fear of God, that they could thus venture to overthrow Magistracy, even the greatest in the Common-wealth, the Parliament and supream Authority, to the indangering the whole Cause? the Members that they were so angry with